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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/364,803	07/30/1999	ALAN R. BAUER	PGR20003	9900

7590 08/05/2004

FAY SHARPE FAGAN MINNICH & MCKEE LLP
1100 SUPERIOR AVE
7TH FLOOR
CLEVELAND, OH 441142518

EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 08/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/364,803

Applicant(s)

BAUER ET AL.

Examiner

Luke Gilligan

Art Unit

3626



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☒ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

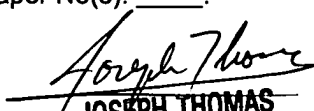
Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-72.

Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Continuation of 2. NOTE: The acknowledgement of "an implementation of the adjustment to the existing policy" as now recited in claim 1 would require further search and consideration.

Continuation of 5. does NOT place the application in condition for allowance because: In the remarks filed 06/16/04, Applicants argue in substance that (1) there is no teaching in Hargrove that would allow a farmer access to the system without assistance from an agent; (2) there is no teaching in Hargrove which permits a policy change without agent or underwriter involvement; (3) there is no suggestion or motivation to combine the teachings of Luchs with Hargrove.

In response to Applicants' argument (1), the Examiner respectfully submits that feature recited in the body of the claims that explicitly excludes the involvement of an agent or underwriter is that of generating an adjustment to a policy. Therefore, while the Examiner has fully considered Applicants' arguments with respect to the entire invention being utilized without any involvement by an agent or underwriter, such assertions are not found to be persuasive in view of the claims as currently recited.

In response to Applicants' argument (2), the Examiner respectfully disagrees with Applicants' interpretation of the teachings of Hargrove. In particular, columns 6 and 7 describe the process by which data is input into the system of Hargrove so that a central system can automatically apply underwriting and regulatory rules to update and issue insurance policies. Even if an agent is assisting the farmer with the inputting of the data, it is the central system that actually generates an adjustment to the policy automatically and without intervention by the agent or an underwriter. Therefore, the Examiner respectfully submits that the system of Hargrove teaches this limitation as recited in the body of the claims.

In response to Applicants' argument (3), the Examiner respectfully disagrees that there is no suggestion or motivation to combine the references. The Examiner has provided motivation to combine each of the references in the previous rejections and, for example, draws Applicants' attention to paragraph 6 of the Non-Final Rejection mailed 8/14/03. In addition, rather than the teachings of Luchs and Hargrove being at odds, as Applicants suggest, the Examiner submits that the applied references are indicative of trends in the art of insurance towards automation of functions previously performed by individuals associated with an insurer. Therefore, one of ordinary skill in the art would have been motivated to replace manual steps described by Luchs with automated functions as the technology progressed.

Additionally, the affidavit filed 6/16/04 has not been entered or considered because it is not timely (see MPEP 716.01).